

REMARKS

By this Amendment claim 19 and (renumbered) claims 20-37 have been replaced by new claims 38-54 which better define the invention. Entry is requested.

In the outstanding Office Action the examiner has rejected claims 19-22, 31 and 35-37 under 35 U.S.C. § 102(b) as being anticipated by GB 2 122 178, she has rejected claims 19-31 and 35-37 under 35 U.S.C. § 103(a) as being unpatentable over Borges et al. in view of Kollen et al., and she has rejected claims 32-34 under 35 U.S.C. § 103(a) as being unpatentable over Borges et al. in view of Kollen et al. and Costa et al.

The inventor asserts that none of these rejections can be applied to the new claims.

GB 2 122 178 discloses a composite closure which includes a ring member 20 and a closure panel 22 for positioning on a container neck finish 14. A limited relative axial movement is enabled between the closure panel and the ring member. When the closure is removed the ring member is initially rotated relative to the container and the closure panel, the seal between the gasket material 42 and the container neck finish remaining unbroken. Eventually, deterrent means 52 on the ring member engages the closure panel and moves it axially to break the seal. However, the ring member does not include a projection (protrusion) which is formed directly under an inner lid at the level of the face of the container neck, as is now defined in new claim 38.

The examiner's rejection based on the British patent should be withdrawn.

Borges et al. disclose a laminated lidding material for an inner lid and Kollen et al. disclose a container and closure assembly but wherein the protrusion for lifting the inner lid is in contact with the inner lid around its entire circumference. Thus, a great force is required to lift the inner lid when there is a vacuum in the container. No combination of Borges et al. and Kollen et al. would suggest the structure of new claim 38.

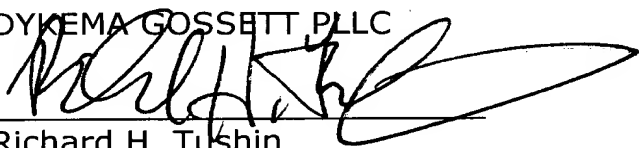
Costa et al. disclose a bi-directional venting layer. Nothing in Costa et al. would overcome the deficiencies in Borges et al. and Kollen et al. in suggesting the features of claim 38.

Favorable reconsideration of this application is requested.

Respectfully submitted,

DYKEMA GOSSETT PLLC

By:



Richard H. Tushin
Registration No. 27,297
Franklin Square, Third Floor West
1300 I Street, N.W.
Washington, DC 20005-3353
(202) 906-8600